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RUEHB/AMEMBASSY BUENOS AIRES 4070
RUEHCV/AMEMBASSY CARACAS 1391
RUEHPE/AMEMBASSY LIMA 1309
RUEHMN/AMEMBASSY MONTEVIDEO 3641
RUEHQ/AMEMBASSY QUITO 4033
RUEHSG/AMEMBASSY SANTIAGO 8552
RHMF/ HQ USSOUTHCOM MIAMI FL
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C O N F I D E N T I A L LA PAZ 000732

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TAGS: ECON PGOV PREL BL

SUBJECT: MAS DISCREDITING STRING OF EX-PRESIDENTS

REF: LA PAZ 647

Classified By: Amb. David N. Greenlee for reasons 1.4 (b) and (d).

¶1. (SBU) Summary: Bolivia's MAS-friendly Attorney General Pedro Gareca (who recently resigned and then withdrew his resignation) is instituting proceedings against four of Bolivia's ex-presidents: Eduardo Rodriguez for the Chinese MANPADS transfer to the U.S., and Jorge "Tuto" Quiroga, Carlos Mesa, and Gonzalo "Goni" Sanchez de Lozada for failing to obtain congressional approval before signing state contracts with hydrocarbons companies. Most analysts believe that while the cases may allegedly have some legal merit, they are a well-planned maneuver intended to discredit potential political rivals (principally Podemos and MNR) in the current campaign season. End summary.

¶2. (SBU) On March 9, Attorney General Pedro Gareca, a known MAS sympathizer who recently resigned and then withdrew his resignation, indicated his intent to file criminal charges against former President Eduardo Rodriguez, former Minister of Defense Gonzalo Mendez and ex-Commander of the Armed Forces Marco Antonio Justiniano for their role in turning over Chinese-made MANPADS to the United States (see reftels).

The Attorney General is considering charging the defendants with total or partial submission to foreign influence, espionage, issuing orders contrary to the Constitution, negligence, and destruction/suppression of evidence. Gareca presented the case to the Supreme Court's criminal division; next it must be approved by Congress before formal charges may be filed.

¶3. (C) Gareca instituted similar proceedings on March 16 against former Presidents Jorge "Tuto" Quiroga, Carlos Mesa, and Gonzalo "Goni" Sanchez de Lozada for failing to obtain congressional approval before signing state contracts with hydrocarbons companies. Article 59 (5) of the Constitution provides that Congress must authorize and approve all state contracts that relate to the exploitation of natural resources. Gareca alleges that the three former presidents (and many of their ministers and the state oil company) violated the Constitution by signing a total of 107 hydrocarbons contracts during their respective administrations.

¶4. (C) Comment: While the charges may or may not have legal merit under the Constitution, there is little doubt about the political motivation behind these charges, particularly given the upcoming Constituent Assembly elections. Many analysts believe that Gareca is stretching back in time to charge Quiroga, who was president for only one year, because he is the leader of the political party best poised to oppose the MAS in the Assembly. Especially egregious is the attack on Rodriguez, the man responsible for preserving Bolivian democracy and the opportunity for the MAS to win the December 2005 elections. Some had suggested that Rodriguez, Bolivia's most respected jurist, would be an excellent choice to preside over the Constituent Assembly. The MAS strategy appears to be to tie up potential opposition leaders with personal crises and distract them from the CA. Given the already weak state of the opposition, the MAS plan just might work. End comment.

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